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JAN 05 2006

# Fay Sharpe

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Date	January 5, 2006	Total Pages: 8
To:	U.S. Patent and Trademark Office	
Attn.:	Examiner E.G. Milef	
Facsimile No.:	571-273-8300-	
From:	John S. Zanghi, Esq.	
Re:	Serial No. :09/768,129 Filed :January 23, 2001 Title : CACHING MECHANISM TO OPTIMIZE A BIDDING PROCESS USED TO SELECT RESOURCES AND SERVICES Our Ref.: PERY 2 00002	

COMMENTS

## Attachments:

**NOTICE OF APPEAL  
PTO FORM 2038  
PRE-APPEAL BRIEF REQUEST FOR REVIEW  
REQUEST FOR PRE-APPEAL BRIEF CONFERENCE**

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR(S) : Michael Weiss, et al.  
TITLE : CACHING MECHANISM TO  
OPTIMIZE A BIDDING PROCESS  
USED TO SELECT RESOURCES  
AND SERVICES  
APPLICATION NO. : 09/768,129  
FILED : January 23, 2001  
CONFIRMATION NO. : 3324  
EXAMINER : E.G. Milef  
ART UNIT : 3628  
LAST OFFICE ACTION : December 14, 2005  
ATTORNEY DOCKET NO. : PERY 2 00002  
Cleveland, OH 44114  
January 5, 2006

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Applicant hereby appeals to the Board from a decision of the primary Examiner mailed **October 5, 2005** finally rejecting claims 1-17. A Pre-Appeal Brief Request for Review and the Request For Pre-Appeal Brief Conference are being filed herewith.

The items checked below are appropriate:

**1. STATUS OF APPLICANT**

☒ This application is on behalf of other than a small entity.

01/06/2006 TL0111 00000013 09768129

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**2. FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 37 C.F.R. 1.17(b) the fee for filing the Notice of Appeal is:

☒ other than a small entity \$500.00**3. EXTENSION OF TERM**

☐ Applicant(s) hereby petition(s) the Commissioner under 37 C.F.R. §1.136(a) for a \_\_\_\_\_ -month extension of time up to and including \_\_\_\_\_ in which to file the accompanying Notice of Appeal. Payment for the filing of this Notice of Appeal and any appropriate extension of time fees are authorized to be charged to a Credit Card. The appropriate form PTO-2038 is enclosed for this purpose. If the Credit Card is unable to be charged, please charge any and all fees or credit any overpayment to Deposit Account No. 06-0308.

**4. TOTAL FEES DUE**

The total fee due is:

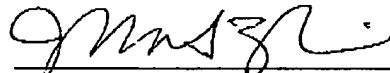
Notice of Appeal Fee: \$500.00  
Extension of Time Fee: \$       .00

**5. METHOD OF PAYMENT**☒ The fees indicated above are authorized to be charged to a credit card.

Respectfully submitted,

FAY, SHARPE, FAGAN,  
MINNICH & MCKEE, LLP

Date

1/5/06

John S. Zanghi, Reg. No. 48,843  
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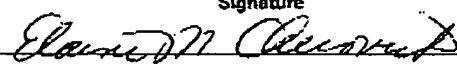
**CERTIFICATE OF MAILING**

I certify that this Notice Of Appeal From The Primary Examiner To The Board Of Patent Appeals And Interferences is being

☐ deposited with the United States Postal Service as First Class mail under 37 C.F.R. § 1.8, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

☒ transmitted via facsimile under 37 C.F.R. § 1.8 on the date indicated below.

☐ deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated below and is addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Express Mail Label No.:	Signature 
Date <u>01-05-06</u>	Printed Name Elaine M. Checovich

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